

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, MAY 13, 2003 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

-----

**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

ITEM-300:               ROLL CALL.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

=== H E A R I N G S S C H E D U L E ===

Noticed Hearing

ITEM-330: Establishment of Assessment District No. 4096 (Piper Ranch). Otay Mesa Community Plan Area. (Dist. 8)  
DEPUTY CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Special Hearing

ITEM-331: Special Hearing - FY 2004 Community Development Block Grant (CDBG) Program Funding.  
CITY MANAGER'S RECOMMENDATION: Hold the public hearing in Subitem A, close the hearing at the conclusion of public testimony; and continue Subitem B to May 20, 2003:

Adoption Agenda, Consent Item

ITEM-332: This item has been moved to May 20, 2003.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**== EXPANDED CITY COUNCIL AGENDA ==**

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: Establishment of Assessment District No. 4096 (Piper Ranch).

(See City Manager Report CMR-03-044. Otay Mesa Community Plan Area. District-8.)

**DEPUTY CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1201 Cor. Copy) Tb( CACTION Tb)

A Resolution of the City Council of the City of San Diego overruling protests, approving Engineer's Report, levying assessments, ordering acquisition of improvements and determining assessments remaining unpaid in and for City of San Diego Assessment District No. 4096 (Piper Ranch).

**SUPPORTING INFORMATION:**

On March 24, 2003, the City Council adopted Resolution Number R-297755, accepting a petition from Piper Ranch, LLC, to initiate special assessment proceedings for the purpose of establishing an assessment district on land located in Otay Mesa, and financing (through the issuance of special assessment bonds under the Improvement Bond Act of 1915) the acquisition of public improvements required in connection with development. Specifically, the proposed assessment district, Assessment District No. 4096 (Piper Ranch) (the "Assessment District"), contemplates financing the acquisition of road (Piper Ranch Road, Air Wing Road, Aviator Road, Approach Road, and Dead Stick Road), sewer, and storm drain improvements, all of which will be owned by the City, and which will benefit property within the proposed district. The resolution adopted on March 24, 2003 also approved the boundary map for the proposed Assessment District, declared the intention to order the acquisition of public improvements in the proposed Assessment District, designated NBS Government Finance Group as the Engineer of Work, and approved the Purchase and Finance Agreement between the City and Piper Ranch, LLC. On the same date, the City Council adopted Resolution Number R-297756, which approved the Preliminary Assessment Engineer's Report, provided for the mailing of a Notice of Assessment and an Assessment Ballot to affected property owners, and set the time and place for a public hearing of protests on the proposed levy of assessments and related matters set forth in the Preliminary Assessment Engineer's Report as May 13, 2003 in the Council Chambers (See Report No. 03-044).

ADOPTION AGENDA, HEARINGS (Continued)

NOTICED HEARINGS (Continued):

ITEM-330: (Continued)

**SUPPORTING INFORMATION:** (Continued)

At the noticed public hearing, the City Council will be asked to hear testimony for or against formation of the district. The City Council will then declare the public hearing closed and the City Clerk will tabulate the ballots from affected property owners and, if the ballots cast in favor of the levy exceed the ballots cast against, the City Council will be asked to adopt a resolution: (1) overruling any protests made by property owners of the area of land to be assessed; (2) approving the Assessment Engineer's Report; (3) levying assessments as detailed in the Assessment Engineer's Report; (4) ordering the acquisition of public improvements described in the Assessment Engineer's Report; and (5) authorizing the issuance of special assessment bonds in an amount not-to-exceed the unpaid assessments (i.e., assessments which are not pre-paid with cash) in connection with the proposed Assessment District.

If these proceedings are successful, it is anticipated that special assessment bonds may be issued this summer. City staff would return to the City Council prior to the proposed sale of bonds to seek approval of various financing documents.

**FISCAL IMPACT:**

All costs related to determining financial feasibility of the proposed Assessment District have been funded by Piper Ranch, LLC. If the Assessment District is established and special assessment bonds are issued, all costs related to financing the public facilities described above and all incidental expenses related to establishing and administering the district will be borne by owners of property within the Assessment District. If the bonds are issued, annual debt service would be covered by assessments collected from owners of taxable property interests within the district.

Frazier/Vattimo/RLD

**NOTE:** As this project is a financing measure only, it is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

ADOPTION AGENDA, HEARINGS

SPECIAL HEARINGS:

ITEM-331: Special Hearing - FY 2004 Community Development Block Grant (CDBG) Program Funding.

The purpose of this special hearing is to receive public testimony on requests for Fiscal Year 2004 Community Development Block Grant Program funding allocations.

The special hearing will be closed at the end of public testimony. The resolution in Subitem-B will be continued to May 20, 2003, for Council discussion and decisions regarding the distribution of available funds.

**CITY MANAGER'S RECOMMENDATION:**

Hold the public hearing in Subitem A, close the hearing at the conclusion of public testimony; and continue Subitem B to May 20, 2003:

Subitem-A:

Special Hearing - FY 2004 Community Development Block Grant (CDBG) Program Funding.

Public Testimony will be heard in the following order:

1 - CDBG Applications 1-195 in the order in which they are numbered.

2 - Other Testimony.

Subitem-B: (R-2003-1321)

**NOTE:** Subitem B will be continued to May 20, 2003, at the conclusion of today's public hearing.

Approving and appropriating the funding allocations for the FY 2004 Community Development Block Grant (CDBG) Program, contingent upon certification of funds availability by the City Auditor and Comptroller, and that those projects funded are to be incorporated into the City's FY 2004 CDBG Action Plan;

ADOPTION AGENDA, HEARINGS (Continued)

SPECIAL HEARINGS (Continued):

ITEM-331 (Continued)

Subitem-B: (Continued)

Authorizing the City Manager to submit the FY 2004 CDBG Action Plan to the U.S. Department of Housing and Urban Development, and upon acceptance, execute a grant agreement for Federal Fiscal Year 2003 Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Housing Opportunities for People with Aides (HOPWA), and HOME Investment Partnership (HOME) Funds;

Authorizing the City Manager to negotiate and execute agreements with all programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to reprogram funding from prior year CDBG funded projects to FY 2004 projects, as adopted by Council, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Executive Director of the San Diego Housing Commission to negotiate and execute agreements with all funded programs whose allocations the City Manager asks the San Diego Housing Commission to administer, contingent upon certification of funds availability by the City Auditor and Comptroller.

**CITY MANAGER SUPPORTING INFORMATION:**

The purpose of the public hearing is to hear testimony on the FY 2004 Community Development Block Grant (CDBG) program. There are 195 CDBG applications. Each CDBG application has been assigned a number and the applicant will be invited to testify in numerical order. At the conclusion of the CDBG testimony, general program and other comments will be heard. The hearing will then be closed and the remainder of the item (Subitem-B) will be continued to May 20, 2003, at which time Council discussion and funding decisions will occur.

**FISCAL IMPACT:**

Funds are available from the Community Development Block Grant to cover the costs of these programs.

Herring/Cunningham/ELL

ADOPTION AGENDA, CONSENT ITEM

RESOLUTION:

\* ITEM-332: This item has been moved to May 20, 2003.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT